

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

DANIEL SANCHEZ, as Personal Representative
of the ESTATE OF ROSEMARY BECERRA,
Deceased; and DAVID BECERRA, Individually,

Plaintiffs

1:14-cv-00072-SCY-GBW

v.

REDDY ICE CORPORATION, and
CLINTON LEE NORMAN,

Defendants.

**ORDER ON THE AGREED MOTION FOR APPROVAL OF MINOR SETTLEMENT
[DOC. 65] AND DISMISSAL WITH PREJUDICE OF PLAINTIFFS' COMPLAINT
[DOC.1]**

THIS MATTER having come before the Court on the Parties' Agreed Motion for Approval of Minor Settlement [Doc. 65], and this Court having read the Agreed Motion for Approval of Minor Settlement, read the reports submitted by the Court appointed Guardian ad litem Patricia Rivera, held a hearing on the matter, and taken testimony of the parties, FINDS:

A) The Revised Report of the Guardian ad litem will be made a part of the record but will be filed under seal. The terms of the Parties' settlement are confidential as set forth in the Settlement Agreement and Release.

B) The proposed settlement applicable to the minor child Jaylean Reese as outlined in the Revised Report of the Guardian ad litem and the Settlement Agreement and Release executed by the Parties is fair. The Parties informed the Court Jaylean Reese's mother, Karina Becerra, will sign the Settlement Agreement and Release on behalf of the minor child Jaylean Reese.

C) The proposed settlement applicable to the minor child Levi Becerra as outlined in the Settlement Agreement and Release is fair. The proposed settlement outlined in the Revised Report of the Guardian ad litem required modification given Plaintiffs' counsels' notification to the Court regarding a decreased attorneys fee rate of 33% on the proceeds assigned to the minor child Levi Becerra. The Court finds the decreased attorneys fee rate appropriate.

D) The costs Plaintiffs incurred in this case are fair and appropriate.

E) Defendants will pay for the services of the Guardian ad litem.

IT IS THEREFORE DECREED:

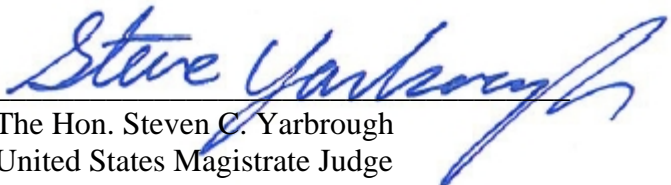
1) The minor settlements as set forth fully in the Settlement Agreement and Release executed by the Parties is fair and approved.

2) The Parties have resolved the claims set forth in Plaintiffs' Complaint [Doc. 1] to the mutual satisfaction of the Parties and request dismissal of all causes of action stated therein or which could have been stated therein.

3) The Complaint and all causes of action stated therein, or which could have been stated therein, is hereby dismissed with prejudice, with each party to bear their attorneys' fees and costs.

4) The Guardian ad litem Patricia Rivera is discharged from her duties as Guardian ad litem.

IT IS SO ORDERED.


The Hon. Steven C. Yarbrough
United States Magistrate Judge

AGREED:

DUHIGG, CRONIN, SPRING & BERLIN, P.A.

Electronically Approved 12/17/14

David Duhigg
Duhigg, Cronin, Spring & Berlin, P.A.
P. O. Box 527
Albuquerque, NM 87102
(505) 243-3751
dllduhigg@gmail.com

Mark A. Carrigan
Carrigan McCloskey & Roberson, L.L.P.
945 Heights Boulevard
Houston, TX 77008
(713) 337-3950
Mcarrigan@cmrllp.com

R. Eric Lopez
R. E. Lopez & Associates, P.C.
2600 Avenue K; Suite 140
Plano, TX 75074
(469) 209-7727
elopez@northtxlaw.com
Attorneys for Plaintiffs

LAW OFFICES OF BRUCE S. MCDONALD

Electronically approved 12/17/14

Bruce S. McDonald
211 12th St., NW
Albuquerque, NM 87102
(505) 254-2854
bsmlegal@aol.com
Attorneys for Defendant Clinton Lee Norman

PREPARED AND AGREED BY:

BUTT THORNTON & BAEHR PC

/s/ Ryan T. Sanders

PAUL T. YARBROUGH
RYAN T. SANDERS
P. O. Box 3170
Albuquerque, NM 87190
(505) 884-0777

ptyarbrough@btblaw.com

rtsanders@btblaw.com

Attorneys for Defendant Reddy Ice Corporation